

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WATER WORKS REALTY CORP. and
GARY MELIUS,

MEMORANDUM AND ORDER

Plaintiffs,

CV 08-0449
08-4754

-against-

(Wexler, J.)

HARRISON J. EDWARDS, WILLIAM
GLACKEN, RENAIRE DAVIS-FRIERSON,
WILLIAM WHITE, DONALD MILLER,
JORGE MARTINEZ, and VILMA
LANCASTER,

Defendants.

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APPEARANCES:

Rosenberg Calica & Birney LLP
By: Ronald J. Rosenberg, Esq.
100 Garden City Plaza
Garden City, NY 11530
Attorneys for Plaintiffs

Harrison J. Edwards, Esq.
Defendant Pro Se
c/o Edwards & Edwards
336 South Ocean Avenue
Freeport, NY 11520

William F. Glacken
Defendant Pro Se
152 N. Long Beach Avenue
Freeport, NY 11530

Renaire Davis-Frierson
Defendant Pro Se
164 Moore Avenue
Freeport, NY 11520

Vilma Lancaster
Defendant Pro Se

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July 21, 2008
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LONG ISLAND OFFICE

94 Brookside Avenue
Freeport, NY 11520

Jorge Martinez
Defendant Pro Se
80 Van Buren Avenue
Freeport, NY 11520

Donald D. Miller
Defendant Pro Se
160 West End Avenue
Freeport, NY 11520

William H. White
Defendant Pro Se
141 Garfield Street
Freeport, NY 11520

WEXLER, District Judge

In a Memorandum and Order dated January 10, 2011, this court denied Defendants' motions to dismiss. The court noted that the assigned Magistrate Judge had vacated any stay of discovery and ordered that all discovery be completed on or before March 15, 2011 and that witness and exhibit lists are to be filed no later than March 31, 2011. Finally, the court ordered trial in this matter to commence with jury selection to take place at 8:30 A.M. on April 4, 2011, and that there would be no adjournments.

Following this court's order, the pro se Defendants requested that this court continue a stay previously entered in this matter. The requested stay seeks suspension of all proceedings pending decision on an appeal of the denial of an Article 78 proceeding which challenged the Village of Freeport's decision to terminate the defense and indemnification of the pro se Defendants herein. It appears that the decision to terminate the defense followed the pro se Defendants' decision to decline to participate in the settlement of this matter with the Village of Freeport.

The court has reviewed the parties' submissions and denies the request to reinstate the stay. It appears that the pro se Defendants' have not yet perfected the appeal of the denial of their Article 78 proceeding. This matter has already been unduly delayed by previous stays. In the event that the Appellate Division reverses the Article 78 decision, the pro se Defendants will be able to recoup any expenses incurred in connection the with defense of this action.

While the court denies the request for a stay, the court directs Plaintiff's counsel to investigate the claim of Defendant Martinez who stated before this court and counsel that he was not a member of the Village of Freeport Board of Trustees during the time period relevant to this lawsuit. Plaintiff's counsel shall inform the court, within two weeks of the date of this order, as to whether he plans to continue this action against Defendant Martinez. All other requests for stays and /or dismissal are denied.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
January 21, 2011